

Amendment No. 3 to SB2332

**Yarbro
Signature of Sponsor**

AMEND Senate Bill No. 2332

House Bill No. 2315*

by deleting the language "or" at the end of § 4-59-102(3)(E) in SECTION 1; by deleting the language "and" at the end of § 4-59-102(3)(F) in SECTION 1 and substituting instead the language "or"; and by adding the following language as § 4-59-102(3)(G) in SECTION 1:

(G) Authorizes, permits, or in any manner allows the operation of a business in violation of § 39-17-118; and

AND FURTHER AMEND by deleting the language "or" at the end of SECTION 2(4)(E); by deleting the period at the end of SECTION 2(4)(F) and substituting instead the language "; or"; and by adding the following language as SECTION 2(4)(G):

(G) Authorizes, permits, or in any manner allows the operation of a business in violation of § 39-17-118.

AND FURTHER AMEND by adding the following new sections immediately preceding the penultimate section and redesignating the subsequent sections accordingly:

SECTION __. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following new section:

39-17-118.

(a) It is an offense for any person or entity to directly or indirectly employ fifty (50) or more illegal aliens if the person or entity has reason to know that such illegal aliens lack authorization to work in the United States.

(b) Within twelve (12) months of any action by the bureau of immigration and customs enforcement of the United States department of homeland security resulting in the detention, removal, or deportation of the person's or entity's employees, the appropriate district attorney shall commence an investigation to determine whether there

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has been any violation of this section, and any other applicable law, including, but not limited to, laws related to health, safety, tax, or employment, and wage theft and failure to pay overtime for purposes of determining restitution pursuant to § 40-35-124.

(c) A violation of subsection (a) is a Class E felony.

(d) Nothing in this section shall be construed to prohibit prosecution under any other law in this state.

SECTION __. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new section:

40-35-124.

(a) If a defendant is convicted of an offense under § 39-17-118 or of an offense arising from the same criminal act or conduct or a related criminal act or conduct, the sentencing court shall order the defendant to make reasonable restitution to the state, any local government, or any United States citizen, depending on the costs incurred or reasonably expected to be incurred due to the violation, including lost wages and costs for the care and education of the dependents of the defendants' employees resulting from an immigration detention, deportation, or related action.

(b) Before determining whether an order of restitution under subsection (a) is appropriate, including the amount of restitution that would be owed under the order, the sentencing court shall conduct a separate hearing on the issue at which the defendant, the state, and any other claimant for restitution may be heard and present evidence.

The hearing may be held in conjunction with the defendant's regular sentencing hearing.

(c) Any order of restitution entered pursuant to this section is in addition to any other fine or penalty imposed by the court for the offense for which the defendant was convicted.

(d) Restitution ordered pursuant to this section must be paid to the clerk of the sentencing court who shall remit the money to the persons or entities as set out in the order. The clerk may retain one percent (1%) of all funds collected pursuant to this section for administrative costs.

(e) Any recipient of restitution pursuant to this section may collect such amount in the same manner as a judgment in a civil action and may also collect any reasonable attorneys' fees incurred in the sentencing, restitution hearing, or collection action.